

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS PRIORITY

UNCLAS STATE 297850

FOR CIVAIR (HANS MUELLER)

E.O. 11652: N/A

TAGS: EAIR, VE

SUBJECT: FAA TECHNICAL ASSISTANCE

REF: CARACAS 13359

1. FAA HAS COMPLETED A DETAILED REVIEW OF OFFICIALLY
TRANSLATED TEXT OF GOV PROPOSED MEMORANDUM OF AGREEMENT
NAT-I-531. WHILE GOV VERSION SOMEWHAT DIFFERENT IN
FORMAT AND WORDING FROM THAT WHICH FAA PROPOSED AND ORIGI-
NALLY ACCEPTED BY GOV, FAA WILLING ACCEPT GOV TEXT SUBJECT
TO FOLLOWING EXCEPTIONS:

(A) FIRST SENTENCE IN ARTICLE VI SHOULD BE AMENDED TO READ:
QUOTE. THE MINISTRY AGREES TO REQUEST AND ASSURE THAT FAA
PERSONNEL COMING TO VENEZUELA IN IMPLEMENTATION OF THIS
AGREEMENT BE GRANTED THE FOLLOWING PRIVILEGES AND IMMUNI-
TIES. END QUOTE.

(B) ARTICLE VII CHANGED IN ITS ENTIRETY TO READ: QUOTE.
THE DGATT, ON BEHALF OF THE REPUBLIC OF VENEZUELA, AGREES
TO DEFEND ANY SUIT BROUGHT AGAINST THE U.S.A., THE FAA,
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OR ANY INSTRUMENTALITY OR OFFICER OF THE U.S.A. ARISING

OUT OF WORK UNDER THIS AGREEMENT. THE DGATT, ON BEHALF OF THE REPUBLIC OF VENEZUELA, FURTHER AGREES TO HOLD THE

U.S.A, THE FAA, OR ANY INSTRUMENTALITY OR OFFICER OF THE U.S.A. HARMLESS AGAINST ANY CLAIM BY THE REPUBLIC OF VENEZUELA, OR ANY AGENCY THEREOF, OR THIRD PERSONS FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE ARISING OUT OF WORK UNDER THIS AGREEMENT. THIS ARTICLE SHALL NOT BE CONSTRUED TO IMMUNIZE ANY FAA PERSONNEL ASSIGNED UNDER THIS AGREEMENT FROM THE PURVIEW OF THE CRIMINAL LAWS OF THE REPUBLIC OF VENEZUELA; PROVIDED, THAT ALL SUCH PERSONNEL SHALL BE ACCORDED THE RIGHTS, PROTECTION, AND IMMUNITIES SET FORTH IN ARTICLES V, VI, AND VII OF THIS AGREEMENT.

THIS EMBODIES STANDARDIZED PHRASEOLOGY WHICH FAA, AT REQUEST OF DEPT, ENDEAVORS INCORPORATE IN ALL ITS TECHNICAL ASSISTANCE AGREEMENTS. FURTHER, SUCH CLAUSE PREVIOUSLY ACCEPTED BY GOV AUTHORITIES IN MOA WO-I-060. EMBASSY REQUESTED DISCUSS AFOREMENTIONED WITH APPROPRIATE GOV OFFICIALS AND ADVISE FAA OF REACTION AS SOON AS POSSIBLE.

2. ARTICLE IV, ANNEX A, OF PROPOSED AGREEMENT PROVIDES GOV WITH OPTION OF MAKING INITIAL ADVANCE PAYMENT FOR TOTAL AMOUNT OF TWO SEPARATE PAYMENTS, ONE WITHIN THIRTY DAYS FROM SEPTEMBER 19, 1976, AND ANOTHER WITHIN SIXTY DAYS FROM SAME DATE. BECAUSE SIXTY DAY PERIOD HAS ALREADY LAPSED, FAA REQUESTS THAT GOV RENDER ITS INITIAL PAYMENT FOR 314,000 DOLLARS AS SOON AS POSSIBLE. FROM THAT AMOUNT FAA WILL PAY FOR TDY SERVICES PRESENTLY BEING PROVIDED AND USE REMAINDER FOR PAYMENT OF MOBILIZATION COSTS FOR PERMANENT GROUP, SUBSEQUENT TO EXECUTION OF AGREEMENT AND RELATED ANNEX A. WOULD APPRECIATE EMBASSY ALSO DISCUSSING THIS MATTER WITH APPROPRIATE GOV OFFICIALS AND ASCERTAINING WHEN PAYMENT CAN BE EXPECTED. ROBINSON

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